

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: DAVID A METCALF
 BRENDA D METCALF

Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

CASE NO: 1-19-03608-HWV

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, on September 11, 2019, Charles DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case for the following reason(s):

- 1) A Petition under Chapter 13 was filed on August 26, 2019.
- 2) The Debtor has not filed the following items or a motion for extension of time to file same pursuant to F.R.B.P. 1007(c).

- **Form 122C-1 CHAPTER 13 STATEMENT OF CURRENT MONTHLY INCOME
AND CALCULATION OF COMMITMENT PERIOD**

- **Form 122C-2 CHAPTER 13 CALCULATION OF YOUR DISPOSABLE INCOME
- CHAPTER 13 PLAN**

- 3) If upon receipt of this Motion and the Notice, Debtors file the missing documents on or before the response date specified on said notice, the Motion shall be deemed withdrawn and moot.

WHEREFORE, your Trustee prays that this Honorable Court enter an Order dismissing the above-captioned case.

Respectfully submitted,
s/ Charles J. DeHart, III
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
(717) 566-6097

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CHAPTER 13

CASE NO: 1-19-03608-HWV

NOTICE

The debtor(s) filed a Chapter13 Bankruptcy Petition on August 26, 2019.

The Standing Chapter 13 Trustee, Charles J. DeHart, III, has filed a Motion to Dismiss for failure to file the indicated document(s) below:

- **Form 122C-1 CHAPTER 13 STATEMENT OF CURRENT MONTHLY INCOME
AND CALCULATION OF COMMITMENT PERIOD**
- **Form 122C-2 CHAPTER 13 CALCULATION OF YOUR DISPOSABLE INCOME**
- **CHAPTER 13 PLAN**

A hearing with the Court has been scheduled for:

Date: October 23, 2019
Time: 09:30 AM
Location: Ronald Reagan Federal Bldg
Bankruptcy Courtroom, 3rd Floor
228 Walnut Street
Harrisburg, PA 17101

Any objection/response to the Trustee's Motion to Dismiss must be filed and served on or before:
September 25, 2019. If Debtor(s) file the missing documents on or before the stated response date, the Motion shall be deemed withdrawn and moot.

Additionally, if you file and serve an objection/response within the time period, a hearing will be held on the above date. If you do not file an objection within the time permitted the Court will deem the motion unopposed and proceed to consider the Motion without further notice or hearing, and may grant the relief requested.

Respectfully submitted,
s/ Charles J. DeHart, III
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036

Dated: September 11, 2019

**UNITED STATES BANKRUPTCY COURT
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Debtor(s)

CHAPTER 13

CASE NO: 1-19-03608-HWV

CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on September 11, 2019, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1st Class mail, unless served electronically.

STEPHEN WADE PARKER, ESQUIRE
MOONEY AND ASSOCIATES, PC
230 YORK STREET
HANOVER, PA 17331-

Served electronically

United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101

Served electronically

DAVID A METCALF
BRENDA D METCALF
324 FOX KNOLL CT.
HANOVER, PA 17331

Served by 1ST class mail

I certify under penalty of perjury that the foregoing is true and correct.

Date: September 11, 2019

Vickie Williams
for Charles J. DeHart, III, Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
Fax: (717) 566-8313
eMail: dehartstaff@pamd13trustee.com

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IN RE: DAVID A METCALF
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Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

CASE NO: 1-19-03608-HWV

vs.

DAVID A METCALF
BRENDA D METCALF

MOTION TO DISMISS

Respondent(s)

ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED.